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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,628	06/26/2003	Wolfgang Diemer	440757/PALL	3381
23548	7590	06/01/2005	EXAMINER	
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			CINTINS, IVARS C	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,628

Applicant(s)

DIEMER ET AL.

Examiner

Ivars C. Cintins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 9,10,12-16 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,11,17 and 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/7/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 11, 17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/35555. The reference discloses a fluid treatment device comprising a plurality of stacked cells of the type recited, and further discloses a channel which introduces a solid material into the interior of each cell (see lines 15-16 of the abstract); and since this solid material is capable of functioning as a pre-filter, it is deemed to be indistinguishable from the broadly recited “treatment material.”

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/35555.

The reference discloses the claimed invention with the exception of the size of the solid material having been filtered. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the reference device to filter particulate matter having the recited particle size from a fluid, in order to remove such particulates from this fluid.

Claims 1-8, 11, 17 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/35555 in view of Klein (U.S. Patent No. 4,454,044). Should it be held that the filtered solids in the device of WO 00/35555 do not constitute “treatment material,” then this

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primary reference discloses the claimed invention with the exception of this treatment material. Klein teaches adding an adsorbent filter aid to an impure liquid, and then passing the resultant mixture to a filter. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of WO 00/35555 with the adsorbent filter aid addition means of Klein, in order to obtain the advantages disclosed by this secondary reference for the system of the primary reference. Also, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ adsorbent particles having the particle size recited in claim 8, in order to ensure that these particles can be thoroughly mixed with the liquid undergoing treatment.

Claims 1-8, 11, 17 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein in view of WO 00/35555. Klein teaches adding an adsorbent filter aid to an impure liquid, and then passing the resultant mixture to a filter. Accordingly, this primary reference discloses the claimed invention with the exception of the type of filter employed. WO 00/35555 discloses a filter of the type recited; and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the filter of WO 00/35555 as the filter called for by Klein, since this secondary reference filter is capable of filtering solids from a liquid in substantially the same manner as the filter of the primary reference, to produce substantially the same results. Such modification is deemed to be especially obvious in view of the teaching by Klein that leaf-type filters can be employed in this reference system (see col. 12, line 5). Again, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ adsorbent particles having the particle size recited in claim 8, in

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order to ensure that these particles can be thoroughly mixed with the liquid undergoing treatment.

Diemer et al. (U.S. Patent No. 6,875,352) is cited as an English language equivalent to WO 00/35555.

Applicant's arguments filed March 7, 2005 have been noted and carefully considered, but no longer appear to be relevant in view of the new grounds of rejection.

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (571) 272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Duane Smith, can be reached at (571) 272-1166.

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The centralized facsimile number for the USPTO is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
May 30, 2005